



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to consider the appeal of a Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within PD #24 at 2150 West Kettleman Lane.

MEETING DATE: August 6, 1997

PREPARED BY: Community Development Director

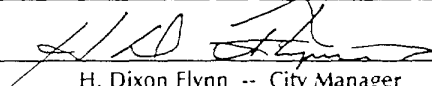
RECOMMENDED ACTION: Staff is recommending that the City Council deny the appeal of the Planning Commission's approval of Use Permit 97-03, permitting construction of a 36-unit apartment complex at 2150 West Kettleman, within PD #24. Denial of the appeal will permit the construction of the apartments as proposed at a density of approximately 15 units per acre.

BACKGROUND INFORMATION: The Planning Commission conducted a public hearing on this item on June 23, 1997. Staff's approved recommendations are embodied by Resolution No. 97-09. Among the required conditions are; that the project be subjected to review by the Site Plan and Architectural Review Committee; that all the mitigations identified in the Negative Declaration be completed to the satisfaction of the Community Development Director; and that all impact fees be paid as per Public Work's requirements.

During the public comments portion of the meeting, the Commission heard complaints from several residents of Chaparral Court, a single-family cul-de-sac. Chaparral Court is to the west across Sylvan Way from the subject property. In addition, the Community Development Director received a letter from virtually all the residents on Chaparral Court opposing the project. These residents were strongly in favor of an office use at 2150 West Kettleman Lane. Specifically, some of the complaints were increased traffic on Kettleman Lane, increased crime, and safety of the new families, especially children, in the complex.

Also during the course of the meeting, the Commission heard opposition from Richard O. Wright of Wright Insurance Agency located at 2100 West Kettleman Lane. Mr. Wright's business is located east of the subject site. Mr. Wright's primary complaint is that a multi-family use is inappropriate at 2150 West Kettleman Lane and would adversely affect his investment in his current office location. Mr. Wright made it clear that he wants to see office uses at 2150 West Kettleman Lane. The formal appeal, signed by Mr. Wright, was received on June 25, 1997.

APPROVED: _____


H. Dixon Flynn -- City Manager

ANALYSIS: Staff's recommendation for denial of the appeal is based on several points. First, staff feels that the proposed apartments are a suitable use for this site. In part, this is because of the similarity of surrounding land uses. Directly adjacent on the south of the subject site is the existing "Fountains" apartment complex. On the west is the proposed Oakmont senior assisted living facility, and on the north across Kettleman Lane is the Holiday senior assisted living facility, currently under construction. The proposed apartments will be a good fit with these other residential uses.

Second, if this project is constructed, the City will still have an ample supply of vacant property for the development of offices. Currently there is approximately 50 acres or 550,000 square feet of buildable office space on Kettleman Lane between Lower Sacramento Road and the WID canal. Given previous construction activity, this would be in excess of a ten year's supply.

Thirdly, with all required mitigations as specified in the Negative Declaration, potential negative impacts can be reduced to less than significant levels. In fact, traffic generation rates for both daily trips and peak hour trips are less for the apartment project than for an office building. Adherence to SPARC requirements, Cal Trans standards, and other conditions of the resolution will yield a quality project.

Finally, the issue before the City Council is the number of units, not the land use. The zoning currently allows 26 apartment units to be built at this location without any discretionary approval. It is staff's feeling that an additional 10 units will not create additional impacts. Therefore, staff recommends support of the Planning Commission's action by denying the appeal.

FUNDING: No request for funding as a part of this action.



Konradt Bartlam
Community Development Director

Prepared by: Eric W. Veerkamp, Associate Planner

KB/EV/lw

Attachments

Wright Insurance Agency

2100 West Kettleman Lane
Lodi, California 95242
Telephone (209) 334-0870
FAX (209) 334-1939
P.O. Box 40, Lodi, 95241



June 25, 1997

Mr. Konrodt Bartlam
Community Development Director City of Lodi
221 W. Pine Street
Lodi, CA 95240

Re: 2150 W. Kettleman Lane, Lodi, CA

Dear Mr. Bartlam:

I would like to file a formal appeal of the decision of the Lodi Planning Commission on June 23, 1997 to approve the Use Permit for the construction of a 36 unit multi-family complex at 2150 W. Kettleman Lane.

I would like to appeal this decision to the Lodi City Council when this matter comes before them, or at the appropriate time.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Richard O. Wright".

Richard O. Wright

ROW/las

Working for people & business.

MINUTES
LODI CITY PLANNING COMMISSION
CARNEGIE FORUM
305 WEST PINE STREET
LODI, CALIFORNIA

MONDAY

June 23, 1997

7:30 P.M.

The Planning Commission met and was called to order by Chairman Rasmussen.

Commissioners Present: John Borelli, Jonathan McGladdery, Harry Marzolf, John Schmidt, Roger Stafford, and Chairman Rasmussen. **ROLL CALL**

Commissioners Absent: Dorean Rice

Others Present: Konradt Bartlam, Community Development Director, John Luebberke, Deputy City Attorney, Eric W. Veerkamp, Associate Planner, and Lisa Wagner, Secretary.

The minutes of May 12, 1997, were approved as mailed with Commissioner Schmidt abstaining from the vote. **MINUTES**
May 12, 1997

TENTATIVE MAP

Request of Dillon & Murphy, on behalf of Overhead Door Corporation, for approval of a lot line adjustment for parcels 049-040-65 and 049-040-63 located at 1220 E. Victor Road. Community Development Director Bartlam presented this matter to the Planning Commission. He stated that the property was currently zoned M-2, Heavy Industrial and is developed with a variety of industrial uses. In 1993, a parcel map was approved to resubdivide the subject property and 142 S. Cluff Avenue into six smaller properties. The smaller parcels were created to help sell the parcels. The proposed lot line adjustment would eliminate an irregular shaped portion of one parcel thereby giving the parcel a more straightened property line.

Lot Line
Adjustment,
1220 E. Victor
Road.

COMMENTS FROM THE PUBLIC

Cecil Dillon, 1820 W. Kettleman Lane, Lodi, CA. Mr. Dillon represented the owner and was agreeable to the conditions set forth in the resolution.

The Planning Commission, on motion of Commissioner Marzolf, McGladdery second, approve the lot line adjustment.

Vote on Lot Line
Adjustment,
1220 E. Victor
Road.

AYES: Commissioners: Borelli, Marzolf, McGladdery, Schmidt,
Stafford, and Rasmussen

NOES: Commissioners:

ABSENT: Commissioners: Rice

ABSTAIN: Commissioners:

PUBLIC HEARINGS

Request of James B. Schroeder, on behalf of Willdon Land Company, to consider:

1. A Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within Planned Development # 24 at 2150 West Kettleman Lane.
2. Certification of a Negative Declaration as adequate environmental documentation on this project.

Use Permit to allow construction of 36-unit apartment complex at 2150 W. Kettleman Lane.

Eric W. Veerkamp, Associate Planner, presented the matter to the Planning Commission. The proposed project would match and be an extension of the existing apartments to the south. It was staff's feeling that the proposed recreation area shown on the plans would be better suited for a tot-lot or other play facility for children. Another area of concern was the fencing around the apartment complex. A tentative agreement was reached, prior to the meeting, that a wrought-iron fence would be erected similar to that at the existing Fountains complex. Also, the required Caltrans encroachment permit for the 20-foot driveway located on Kettleman Lane has yet to be approved. Staff was recommending one additional condition to the project. The condition was that the project shall be subject to the requirements of the City of Lodi's Growth Management Ordinance prior to issuance of building permits. Staff was recommending approval of the project.

Chairman Rasmussen mentioned that the Commission had received three letters of opposition to the project. He asked staff for some history on the project. Associate Planner Veerkamp stated that in 1993 there had been a proposed 60-unit complex and the item was denied by the Commission at that time.

HEARING OPENED TO THE FLOOR

James B. Schroeder, 2330 Cabrillo Circle, Lodi, CA. Mr. Schroeder represented the Willdon Land Co. He explained that after the 60-unit complex was denied in 1993, a development plan was prepared with an office condominium project placed upon the parcel. The plan was approved by SPARC and the Planning Commission and a package was submitted to every commercial realtor and medical group within the area. No responses were received for the project. In the last three years, there has not been any inquires regarding the use of the property as office-institutional. The realtor reported that they have received 140 calls a year asking that the property be zoned to commercial. He pointed out that during the last two years, the Planning Commission has approved two projects on Kettleman Lane, both residential projects for the elderly.

He felt that the concern regarding traffic generated from the 36-unit complex was nothing compared to the future traffic that will be generated from other proposed developments on the four corners of Kettleman Lane and Lower Sacramento Road. He was agreeable to the conditions set forth in the resolution and was also agreeable to the condition that the project go through the Growth Allocation process.

Commissioner Marzolf inquired about adequate designated parking for visitors. Associate Planner Veerkamp responded that the project has 81 parking spots which is in excess of the required amount. Commissioner McGladdery asked what is the density of the existing Fountains complex. Mr. Schroeder responded 149 units on 10 acres.

Richard Wright, 2100 W. Kettleman Lane, Lodi, CA. His firm, Wright Insurance, is the oldest independent agency in Lodi. He moved his business from downtown Lodi to Kettleman Lane 10 years ago. He paid premium price for the property under the assumption that it would always be zoned Office-Professional. He felt that having apartments adjacent to his office would diminish the value of his property. He was also concerned about increased traffic, litter, and vandalism. He stated that the General Plan was designed for a specific reason and there was not an overwhelming reason to change the plan or the zoning for this property.

Claud Kitshel, 1237 Estondillo Avenue, San Leandro, CA. Mr. Kitshel owns the vacant lot west of the subject property. He was concerned about the potential for increased vandalism in the area.

Roy Denton, 2207 Chaparral Court, Lodi, CA. Mr. Denton was concerned about the economic impact the project would have on the City of Lodi in the future. He felt that Lodi already had an over abundance of apartments and would like to see some other project developed on the property. He also voiced concern over the problem of increased traffic and the "stacking" of vehicles waiting to access the complex through the gated entrance.

Carol Denton, 2207 Chapparel Court, Lodi. Mrs. Denton echoed her concern regarding the "stacking" of vehicles at the gated entrance. She also voiced concern about the sight hazard that the semi-trucks create when they are parked along Kettleman Lane. Any person exiting the complex can not see around the trucks to make a safe entrance onto Kettleman Lane.

Rich Connet, 2208 Chapparel Court. Mr. Connet stated that when he purchased his property two years ago, the real estate agent told him that there would not be any apartments built on the vacant land. He was also concerned about the increased traffic that the apartment complex would generate.

Winifield Archibald, 2214 Chapparel Court, Lodi. He echoed the same concerns as the other people before him.

Manroop Shergill, 2220 Chapparel Court, Lodi. Ms. Shergill was against the project due to the traffic problems that it would create. She stated that traffic on Sylvan Way due to the Wal Mart and Target stores on Kettleman Lane. She felt that the proposed apartment complex would add to the existing traffic problems.

Mr. Schroeder responded that he was not aware of any reports of vandalism generated from the Fountains complex. He mentioned that ultimately, traffic will have to access Sylvan Way due to the fact that in the future, the State Highway will not allow a left turn onto Kettleman Lane. He did not have a problem with the City putting a "no

parking” zone in front of the project to make exiting the complex more safe. He stated that he would change the plans to make sure that vehicles entering the complex through the security gates would have ample stacking room.

HEARING CLOSED TO THE FLOOR

Commissioner Marzolf questioned staff on the amount of police reports received from the Fountains complex. Community Development Director Bartlam stated he had spoken with Captain Adams about police reports generated from Fountains complex. Captain Adams did not have a problem with the existing complex and he further mentioned that the Fountains complex was one of the better apartments in the City.

Commissioner Marzolf asked staff the reason for the Planning Commission’s denial in 1993 for a 60-unit complex on the same property. Associate Planner Veerkamp responded that a member of the Commission felt that with the newly adopted General Plan, it was too soon to make any changes to the document. Community Development Director Bartlam pointed out that the request for the 36-unit complex is not a General Plan or Rezoning issue. The issue at hand was regarding land use and the General Plan allows for 20-units per acre, the subject project was asking for 15-units per acre.

Commissioner Marzolf felt that the proposed 36-units would not have a significant impact on traffic. He further stated that Lodi was really in need of some nice apartment units. Chairman Rasmussen mentioned that there had not been any new apartment buildings built in the City in many years.

The Planning Commission, on motion of Commissioner Marzolf, Rasmussen second, moved to approve certification of the Negative Declaration as adequate environmental documentation on this project.

The Planning Commission, on motion of Commissioner Marzolf, Borelli second, moved to approve the Use Permit with the additional conditions that the project be subject to the Growth Management Ordinance and that the project be submitted to SPARC to address the issues of car stacking at the entrance and visitor parking.

Vote on Use Permit
to allow
construction of
36-unit apartment
complex at
2150 W. Kettleman

AYES:	Commissioners:	Borelli, Marzolf, McGladdery, Schmidt, and Rasmussen
NOES:	Commissioners:	Stafford
ABSENT:	Commissioners:	Rice
ABSTAIN:	Commissioners:	

Request of Lidia Favila and Otilia Favila Gutierrez, for a Use Permit to allow a dance club with alcohol (beer and wine) on the second floor of the Richmaid Building at 112 South Cherokee Lane. Eric W. Veerkamp, Associate Planner, presented the matter to the Planning Commission. He stated that the site is compatible for the dance club use, however, staff had several items of concern. The concerns being the potential for increased criminal activity in relation to the clientele, inadequate parking, and the expectation that the building be presentable from the exterior. He stated that the Lodi Police Department felt that this business had potential for generating increased police

Use Permit to allow
a dance club at
112 S. Cherokee
Lane

calls and they felt that the placement of security on site might alleviate police calls. The Police Department also had concern regarding noise generated by the dance club. Staff mentioned that the applicant would have to adhere to the City's Noise Ordinance. Staff indicated that there were some problems with the physical appearance of the building. Mr. Veerkamp then read a letter that was signed by eight people who were in opposition to the dance club. Staff was recommending approval of the project.

Commissioner Marzolf questioned the days of operation and where the existing police calls were coming from. Mr. Veerkamp stated that the days of operation would be Friday, Saturday, and Sunday and the past police calls were coming from the 211 Club and the AM/PM Mini Market.

Commissioner Schmidt questioned how the City would handle noise complaints. Community Development Director Bartlam stated that once a complaint was received, the Community Improvement Division will visit the site unannounced during business hours and measure the noise level. He further stated that traffic exiting the parking lot could be a noise problem as well as people congregating in the parking lot.

Chairman Rasmussen questioned the item in the resolution regarding a one-year review of the dance club. Community Development Director Bartlam indicated that this would be a probationary period for the business and a file will be created to house all complaints that come in regarding the business. The Planning Commission will have the power to revoke the Use Permit should the business prove to be a nuisance.

HEARING OPENED TO THE FLOOR

Otilia Gutierrez, applicant, stated that there is not a decent dance club where you can go and have fun and take your spouse. The proposed dance club would be a secure, quality place where one could bring their spouse. There will be four security guards on site during the operating hours. He was agreeable to the conditions set forth in the resolution.

Lou Kastan, 109 S. Cherokee Lane, Lodi. He was opposed to the dance club. He has lived on Cherokee Lane for 20 years. In the past, the police had been called out many times for the other businesses that operated at the subject location. He was concerned about the possible noise level when the windows of the building would be left open. He felt he would not be able to enjoy his property if the dance club were to be allowed.

Evelyn Kastan, 109 S Cherokee Lane, Lodi. Ms. Kastan complained about the foul language used by patrons of past businesses at the location.

Sheryll Salsedo, 542 Walnut, Lodi. Ms. Salsedo was concerned about existing problems at the 211 Club and felt that an additional club would only create more problems in the neighborhood.

Janice Baxter, 548 E. Oak Street, Lodi. Ms. Baxter has lived on Oak Street for one year and was tired of the noise and nuisance created from the existing bars. She felt that the dance club would create new problems.

Jesus Guterrez, family member of the proposed business. Mr. Guterrez stated the the business consists of mainly family members. He mentioned that there would not be much time for consuming alcohol because the customers would be dancing most of the time.. He spoke about the possibility of covering the windows with insulation to alleviate the potential noise problem.

HEARING CLOSED TO THE FLOOR

Chairman Rasmussen stated that he thought the dance club was a good idea, but questioned whether there is a better location. He was sympathetic to the surrounding neighbors. Commissioner Marzolf also felt the dance club was a good idea. He was agreeable to the idea of insulating the windows and mentioned the idea of having live bands on Friday and Saturday nights only.

Commissioner Schmidt stated that every homeowner had a right to sleep on Friday and Saturday nights. He felt there could be a better location for business.

The Planning Commission, on motion of Commissioner Marzolf, Borelli second, approved the Use permit with the added conditions that there only be live music on Friday and Saturday nights and that the Use Permit be reviewed after a 6-month period. The motion was amended to include that the security guards remain on the grounds one hour after closing on Friday and Saturday nights.

AYES:	Commissioners:	Borelli, Marzolf, McGladdery, and Rasmussen
NOES:	Commissioners:	Schmidt and Stafford
ABSENT:	Commissioners:	Rice
ABSTAIN:	Commissioners:	

Vote on Use Permit
to allow a dance
club at
112 S. Cherokee
Lane

ANNOUNCEMENTS

Community Development Director Bartlam congratulated John Schmidt on his reappointment and thanked Harry for his 16 years on the Planning Commission.

As there was no further business to be brought before the Planning Commission, Chairman Rasmussen adjourned the session at 9:20 p.m.

Respectfully submitted,



Lisa Wagner
Secretary



MEMORANDUM, City of Lodi, Community Development Department

To: Planning Commission
From: Community Development Department
Date: June 23, 1997
Subject: Request of James B. Schroeder, on behalf of Willdon Land Company, for a Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within Planned Development # 24 at 2150 West Kettleman Lane.

SUMMARY

The use permit is required in order to develop this property into apartments at the proposed density. Currently, the office zoning would only allow office uses such as, real estate, doctor's/dentist's, attorney, or other similar use, and apartments at a density not to exceed 10 units per acre. If constructed, the design of the new 36 units would match the existing "Fountains" apartment complex directly to the south. Furthermore, a pedestrian walkway would physically connect the two complexes so that residents of the new units will be able to utilize the amenities and other portions of the "Fountains".

A breakdown of the unit sizes follows:

<u>Building</u>	<u>Number of Bedrooms</u>	<u>Size</u>
A	All one bedroom	Two units on ends at 680 square feet. Four in the middle at 650 square feet.
B	All two bedroom	1,030 square feet
C	All two bedroom	1,030 square feet

BACKGROUND

The property at 2150 West Kettleman Lane was originally approved by the Planning Commission in 1984 as a part of Planned Development number 24, called "The Meadows." The property in question, which has never been developed, has a land use designation of Office/Institutional which permits development in conformance with the RCP zone.

In 1993, the Willdon Land Company approached the Planning Commission with a proposal to rezone this same site to high density residential to permit the construction of a 60-unit apartment complex at a density of 25 units per acre. The complex was to be connected to the existing "Fountains" complex. This request was denied by the Commission.

In 1994, the Willdon Land Company prepared another development proposal for 2150 and 2220 West Kettleman Lane. The proponent applied for and received conditional SPARC approval for two office buildings planned for both the corners of Sylvan Way and Kettleman Lane. After receiving SPARC approval, the project failed to move forward and was never constructed.

DISCUSSION

Staff has had several discussions with the project applicant regarding the proposal at 2150 West Kettleman Lane. In general, the project will be compatible with land uses in the immediate vicinity. Existing multiple family apartments will flank the project on the south. The approved Oakmont retirement facility, which will be built across Sylvan Way from this project, should be visually and otherwise compatible as it is in essence an apartment project as well. In addition, the approved Holiday retirement facility, another apartment type land use, will be located across Kettleman Lane from the proposed apartments. The proposal is acceptable on the whole; however, several individual items will need to be addressed during SPARC review and during the plan check process.

The first of these items is the "recreation area" as noted on the plans. We feel that this area should be the site of a tot-lot or similar play facility for children. We agree with the applicant's plan to utilize the pool and other large scale amenities of the existing Fountains; however, in our opinion, there should be somewhere for children to play in the immediate vicinity of the new units. A tot-lot or playground at the location indicated would be within view and within earshot of the majority of the proposed units.

Secondly, after inquiring with the project's sponsor about fencing or gating, we were informed that wrought iron fencing identical to that in place at the Fountains complex will be installed here as well. Plans will be revised to indicate placement, height, and other details for SPARC review hearings. More detailed landscaping will also be shown for SPARC review.

Finally, several mitigation measures as specified in the Negative Declaration prepared on this project must be completed to the satisfaction of the Community Development Director. Among these is a noise analysis to determine the potential noise impacts on the future apartment residents and to identify necessary mitigations to reduce noise levels to less than significant. Also, the applicants must demonstrate that they are in compliance with California Department of Transportation requirements regarding the access onto Kettleman Lane (Highway 12).

RECOMMENDATION

Staff recommends adopting the request of James B. Schroeder, on behalf of Willdon Land Company, for a Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within Planned Development # 24 at 2150 West Kettleman Lane, subject to the conditions on the attached resolution.

Respectfully Submitted,



Eric Veerkamp
Associate Planner

Reviewed & Concur,



Konradt Bartlam
Community Development Director

KB/EV/lw

Attachments

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 23, 1997

APPLICATION NO: U-97-03 - Use Permit to permit to allow multiple family residential project and ND-97-02 - Negative Declaration.

REQUEST: To approve a Use Permit to allow construction of a 36-unit apartment complex within Planned Development #24.

LOCATION: 2150 West Kettleman Lane

APPLICANT: James B. Schroeder
2330 Cabrillo Circle
Lodi CA. 95242-3310

PROPERTY OWNER: Willdon Land Company
2754 Country Club Court
Stockton, CA 95204

Site Characteristics:

General Plan Designation: O, Office

Zoning Designation: Planned Development PD 24 (designated Residential-Commercial-Professional District).

Property Size: 2.4 acres

Adjacent Zoning and Land Use:

North: RCP, Residential Commercial Professional. The approved Holiday retirement facility will be located across the street from the proposed project.

South: PD #24 (designated Medium Density Residential). The site of the existing "Fountains" apartment complex.

East: PD #21 (designated Commercial/Professional) This property is currently vacant.

West: PD #24 (designated Office/Institutional). The property directly across Sylvan Way from the subject site will be the location of the Oakmont retirement home.

Neighborhood Characteristics:

There are several large parcels of land on Kettleman Lane, one of which is the site of the proposed project, that are either vacant or currently planted as vineyards. One particular large vacant piece lies across Sylvan Way to the west, and will be the location of an approved senior retirement facility. In addition, there is other vacant land (farmland), single-family homes and apartments in the immediate vicinity. Until the neighborhood fully develops into either single-family homes, business and professional offices, or apartments and other commercial uses, the area will continue to have an "under-developed" appearance.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND 97-02 was prepared for this project. Identified significant impacts require mitigation measures as identified in the Negative Declaration to reduce their effects to less than significant.

PUBLIC HEARING NOTICE:

Legal Notice for the Use Permit was published on June 13, 1997. A total of 18 notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request of James B. Schroeder, on behalf of Willdon Land Company for a Use Permit to allow construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within PD 24 at 2150 West Kettleman Lane.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Recommend Denial
- Approve the Use Permit with conditions
- Continue the Request

ATTACHMENTS:

1. Negative Declaration 97-02
2. Vicinity Map
3. Site Plan
4. Draft Resolutions

Environmental Assessment Initial Study

1. **Project Title:** Amend PD #24; Office Institutional to Multi-Family
2. **Location:** 2150 West Kettleman Lane (SW corner of Sylvan and Kettleman Ln.)

3. **Project Description:**

The project proposal is for a rezoning of Planned Development number 24. Currently, the south west corner of Sylvan Way and Kettleman Lane allows for office-institutional uses and residential limited to 10 units per acre. This would include professional and business offices and some multiple family housing.

The proposed zoning change would permit multiple family residential (apartments) to be built on this 2.4 acre parcel at a density of 20 units per acre, the equivalent of the R-GA zone. While this would allow a total of 48 units on this property, the applicant has designed a project containing 36 units. This project will connect with the existing Fountains apartment complex immediately to the south of 2150 Kettleman Lane. One building containing 16 units would be located in the center of the property. A second building containing 12 units runs along the south property line, and a third building containing 8 units runs along the east property line.

4. **General Plan Designation.** (A) Exist. (City), (B) Prop. (City)
(A) O; Office (B) O; Office

5. **Site Description and surrounding land use:**

The subject property is currently a vacant dirt lot covered with weeds. There have been proposals to build both high density residential and a shopping center within the past five years, but nothing has actually ever been built on this lot. The site has been improved with curb, gutter, and sidewalk and has a seven -foot-high brick wall on the south property line.

To the south of the subject site is the existing Fountains apartment complex. To the west, across Sylvan Way is a lot which is approximately equal in size. Currently the lot is vacant; however, a 75 unit senior residential facility is planned for development. On the north, across Kettleman Lane, is vacant land zoned for office uses. Directly adjacent on the east are vacant properties zoned for CP, Commercial-Professional uses. Further east are occupied office buildings.

6. **Zoning** (A) Exist. (City), (B) Prop. (City)
(A) PD #24 (Office-Inst. designation) (B) PD #24 (Multi-family designation)

**Will the Project Have a Significant Effect
Through Any of the Following Impacts?**

7. a. Substantial alteration of natural topography, soil or subsoil features? NO
b. Substantially degrade surface or ground water quality? NO
c. Substantially deplete surface or ground water resources? NO
d. Substantially interfere with ground water flow or recharge? NO
e. Cause a significant affect related to flood, erosion or siltation? NO
f. Substantial interference with the habitat of any species of fish, wildlife or plant? NO
g. Violate ambient air quality standards or create substantial air emissions or objectionable odors?
MAYBE
h. Substantially increase ambient noise or glare level for adjoining areas? MAYBE
i. Substantial reduction of existing cropland? NO

- j. Expose individuals or property to geologic, public health, traffic, flood, seismic or other hazards?
NO
- k. Have a substantial, demonstrable, negative aesthetic effect? NO
- l. Result in the disruption or alteration of an archeological, historical or paleontological site? NO
- m. Cause or allow substantial increase in consumption in any natural resources? NO
- n. Results in the use or waste of substantial amounts of fuel or energy? NO
- o. Necessitate major extensions of water, sewer, storm drain, electrical lines or public roads? NO
- p. Substantial increase in demand for or utilization of public services such as schools or fire or police protection? MAYBE
- q. Substantially change transportation patterns related to existing traffic load, street capacity, parking availability or traffic safety? MAYBE
- r. Induce substantial growth, concentration or displacement of population? NO
- s. Result in an alteration or conflict with existing or planned land uses? MAYBE
- t. Conflict with adopted plans, goals or policies of the City of Lodi? NO

Adverse impacts of the project and their magnitude:

See attached continuation sheet.

Mitigation Measures to Reduce Adverse Impacts Identified by Initial Study:

See attached continuation sheet.

RECOMMENDATION:

Mitigated Negative Declaration

KONRADT BARTLAM
Environmental Review Officer

By 

Date 6/4/97

Amend PD #24; Office-Institutional to Multiple-Family Initial Study (continued)

Adverse Impacts of the project and Mitigation Measures to reduce such Impacts:

g. Violate ambient air quality standards or create substantial air emissions or objectionable odors?

There are two components which have the potential to contribute to a reduction in air quality. The first is increased particulate matter, or airborne dust, caused by demolition, site work, or other construction activity. The second is greater levels of automobile emissions due to increased automobile trips generated as a result of the project.

Construction activity associated with a 36 unit apartment complex on 2.4 acres will not be significant enough to introduce increased levels of particulate matter into the air. According to page 15-3 of the City of Lodi's EIR, agricultural activities, not urban development, are the primary source of particulate matter problems. Therefore, no mitigations to reduce particulate matter pollution are required for this urban construction project.

Increased automobile emissions also have the potential to impact air quality. Table 9-5 of the City's EIR enables us to determine and compare trip generation rates and peak hour rates for an office use as opposed to multi-family residential.

<u>Type of Use</u>	<u>Daily Generation Rates</u>	<u>Peak Hour Rates</u>
2.5 acre Office Complex	307	43
36 Unit Multi-Family	216	25

As illustrated by the figures, both the daily trips and peak hour trips (those having the capacity to create traffic tie-ups) generated by a multi-family project are less than those generated by an office project. As a result, the proposed zoning change to multi-family, restricted to a density of 20 units per acre, will have less of an impact on air quality, by virtue of fewer daily and peak hour automobile trips, than the development of an office project under the current zoning would. No mitigation measures are necessary in this case.

h. Substantially increase ambient noise or glare for adjoining areas?

The change in zoning, if approved, will ultimately allow multi-family residential at the project site, where offices would have been built previously. Potential noise impacts are those related to automobile and truck traffic on State Highway 12 (Kettleman Lane). The project in question would not increase noise levels; rather, it has the potential to be impacted by the existing noise.

Chapter 16, Noise, of the City of Lodi General Plan, Environmental Impact Report provides a method for determining present and future roadway noise levels at the subject site. Figure 16-1 indicates that actual roadway noise levels taken in 1987 at 2150 Kettleman Lane are between 60-65 Db. Figure 16-2 indicates that levels at 2150 Kettleman Lane will increase in the future to between 65-70 Db. The high end of this range (up to 70Db) is estimated to occur toward the end of the planning period of this General Plan, or the year 2007. Therefore, we should be able to safely predict that roadway noise does not exceed 65 Db.

According to Figure 16-4, apartments are considered to be a "conditionally acceptable" use when located in areas with noise levels up to 65 Db. As such, Policy A-1 specifies that this project will be "noise impacted". Current or future noise levels for this location make this noise impacted use "conditionally acceptable".

Conditionally acceptable, in this case, means that adequate mitigation of noise will be a development requirement. Policy 3 of Goal A on page 6-6 of the General Plan Policy document states, "The City shall require a noise impact analysis for development projects on sites that are wholly or partially noise impacted under existing or projected future conditions". The Community Development Department will require that such study be done concurrent with the plan check process. Depending on the results of the noise analysis, any required mitigation shall be achieved by the strict application of the State Noise Insulation Standards (California Administrative Code, Title 24) and by any other means necessary to adequately reduce noise levels to less than significant levels.

p. Substantial increase in demand for or utilization of public services such as schools or fire or police protection?:

A new 38 unit apartment complex has the potential to generate the need for additional fire and/or police services. The City-wide Development Impact Mitigation Fee schedule was adopted to insure that new development generates sufficient revenue to maintain specified levels of service in town.

Page 9-5 of the General Plan Policy Document states that the City shall add personnel, equipment, or facilities necessary to maintain a minimum three (3) minute travel time for fire calls. Page 9-6 of the Policy Document goes on to state that the City shall also strive to maintain a staff ratio of 3.1 police officers per 1,000 population with response times averaging three (3) minutes for emergency calls and 40 minutes for non emergency calls. Impact fees are calculated on such a basis that new development, such as the apartments in question, will generate enough revenue to preserve these service levels, thereby mitigating any potential adverse impacts on fire and/or police protection.

The proposed project has the potential to impact Lodi's schools. According to Table 10.4 in the General Plan EIR, this 38 unit multi-family project will generate 18 additional K-12 students. The Lodi Unified School District (LUSD) negotiates with developers to

secure land for the provision of future school facilities. The LUSD is also responsible for securing increased funding as necessary to help offset the effects of overcrowding in Lodi schools. The City will work with the LUSD to implement these measures in order to mitigate adverse impacts on school overcrowding.

q. Substantially change transportation patterns related to existing traffic load, street capacity, parking availability or traffic safety?:

Chapter Five of the General Plan Policy Document identifies "traffic congestion" as a potential problem of growth. Components of traffic congestion include, traffic load, street capacity, parking availability and traffic safety.

The policy document states as policy, among other things, that "The City shall review new developments for consistency with the General Plan Circulation Element and the capital improvements program. Those developments found to be consistent with the Circulation Element shall be required to pay their fair share of impact fees and/or charges. Those developments found to be generating more traffic than that assumed in the Circulation Element shall be required to prepare a site specific traffic study and fund needed improvements not identified in the capital improvements program, in addition to paying their fair share of the traffic impact fee and/or charges." Any necessary capital improvements shall be completed prior to actual development at the site.

Traffic Load/Street Capacity

In order to predict the impact of additional roadway traffic on the system, the General Plan Circulation Element estimates daily trips and peak hour rates using information prepared by the Institute of Traffic Engineers. The multi-family residential planned for development at this site is estimated to add the following traffic to the system.

<u>Daily Generation Rates</u>	<u>Peak Hour Rates</u>
216	25

As stated previously, the proposed project will generate fewer daily and peak hour trips than an office complex would have. Roadway improvements within the scope of the Circulation Master Plan would be sufficient to serve this project. It is anticipated that this intersection will be able to maintain a LOS of C or better; the current flows are at Level B.

As further mitigation to possible adverse traffic impacts, the developer is designing the project with efficient ingress and egress points for pedestrians. The City will continue to support infrastructure which encourages pedestrian activity.

Finally, any driveway onto Kettleman Lane (State Highway 12) will have to be approved by the California State Department of Transportation (Cal Trans). The project applicant will need to demonstrate compliance on the part of Cal Trans with respect to driveway location and specifications. Compliance with City of Lodi Public Works and Cal Trans requirements will reduce any potential adverse impacts from additional traffic flow onto

Highway 12 to less than significant levels. Overall impacts on traffic/street capacity is reduced to less than significant.

Parking Availability

The provision of adequate off-street parking has been identified as a goal in Chapter Five of the General Plan. The proposed project is planning to provide 81 off street parking spaces, which adequately meets the City's standard. Final plans will also be subject to Site Plan and Architectural Review Committee (SPARC) approval. SPARC reviews development proposals and reviews such improvements as parking layout, landscaping, and irrigation systems for adequacy. These measures will reduce the impact on parking to less than significant levels.

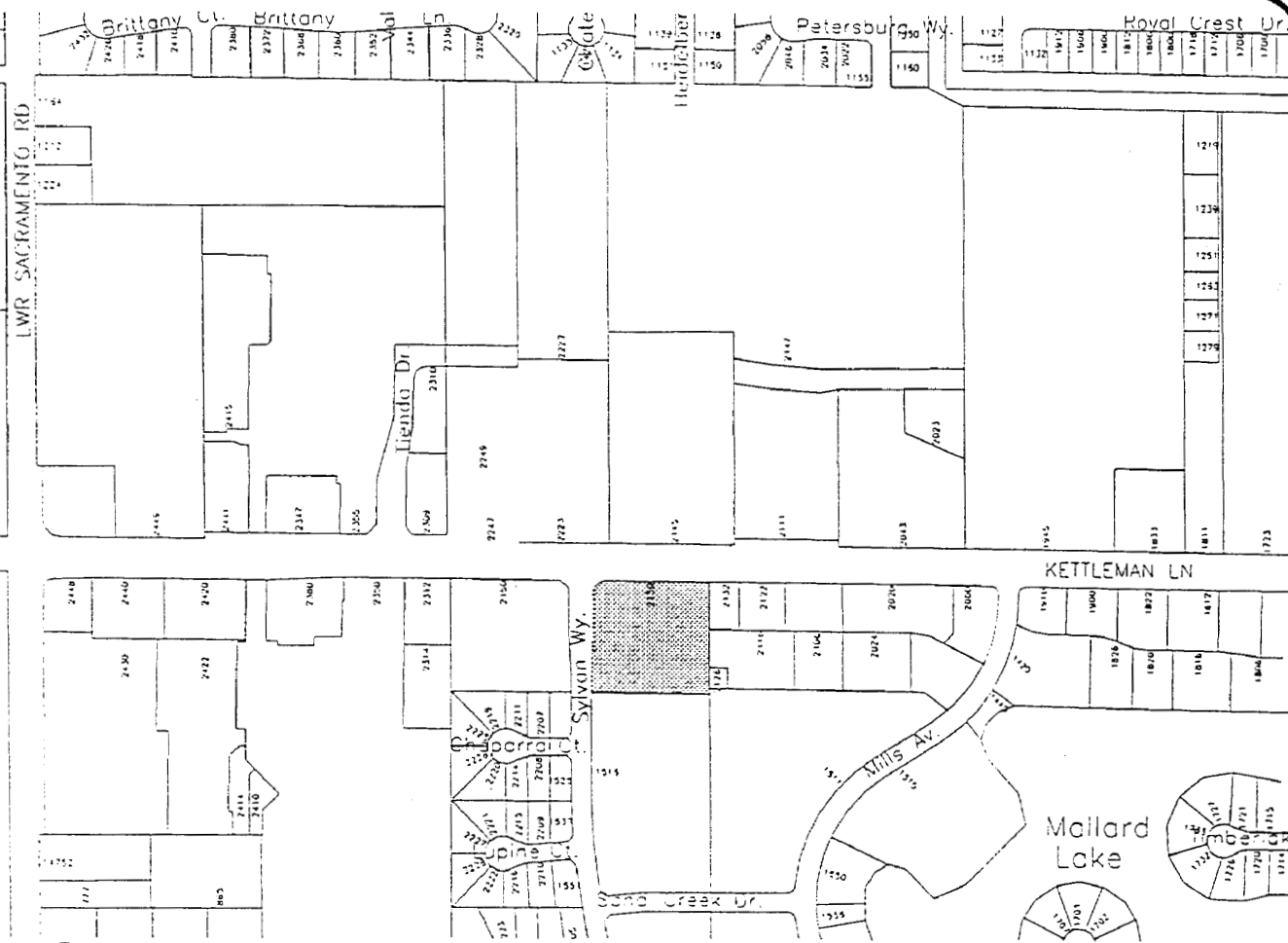
Traffic Safety

The General Plan, using data from both the California Highway Patrol and the California State Department of Transportation has determined acceptable safety levels for public streets in Lodi. In order to maintain those levels, safety systems, such as signage, signalization, striping, etc. would be added or upgraded as necessary. Such safety systems are part of the planned improvements within the scope of the General Plan and will reduced the impacts to less than significant levels.

s. Result in an alteration or conflict with existing or planned land uses?:

There will be no conflict with existing land uses as there will be no General Plan Amendment required. Multiple family housing is permitted within the O, Office designation up to a maximum density of 20 units per acre. The zoning change is required because multiple family is currently restricted to 10 units per acre within Planned Development 24. The change in land use will remain consistent with the General Plan.

VICINITY MAP



James B. Schroeder
Construct 36-Unit Multi-Fam.
2150 West Kettleman Lane

U-97-03

6/23/97

SUMMARY

Lot Area Requirements:

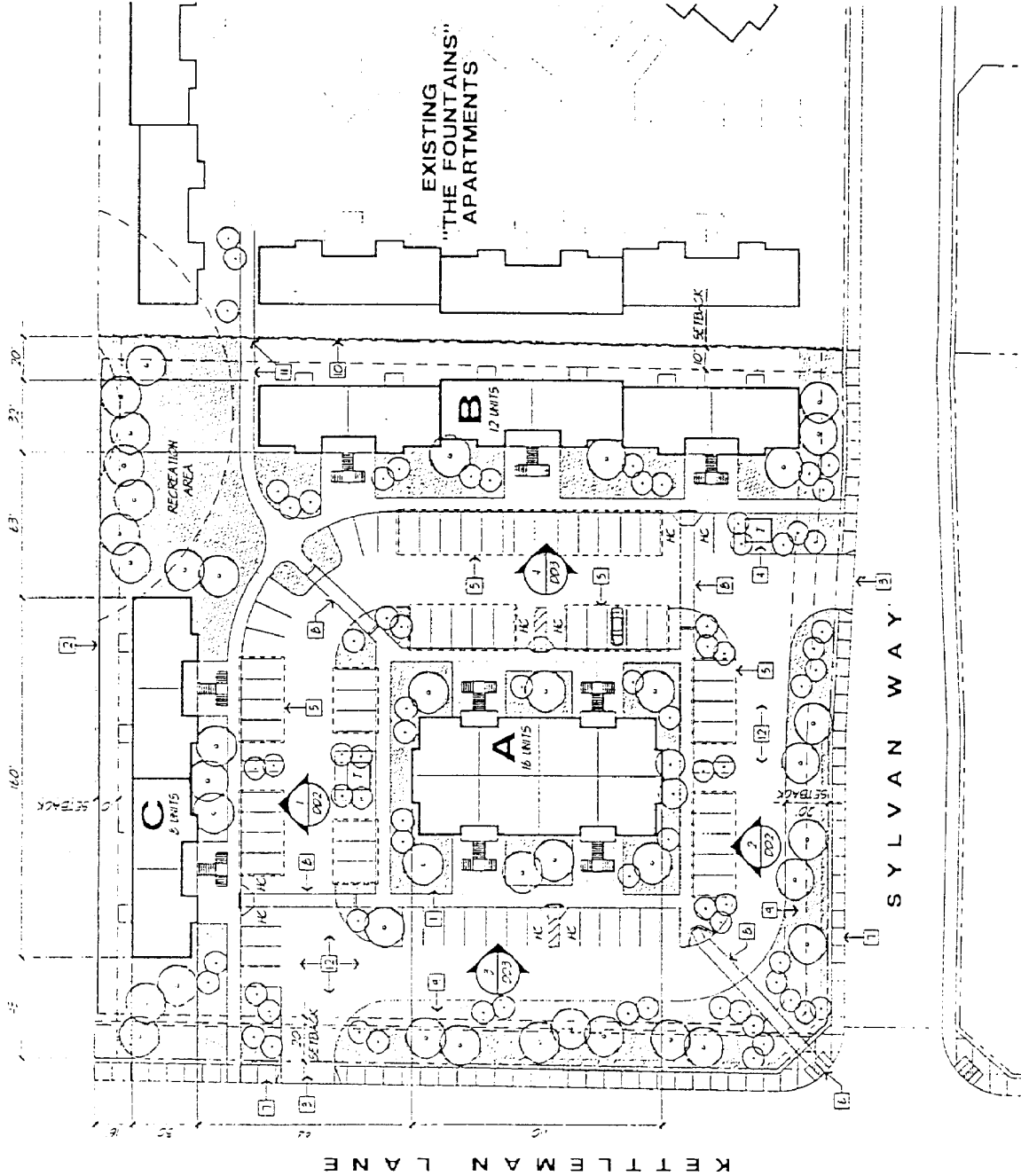
Bldg. "A" (16 UNITS) = (144,000) ± 34,000 SF
 Bldg. "B" (12 UNITS) = (144,000) ± 26,000 SF
 Bldg. "C" (8 UNITS) = (144,000) ± 19,000 SF
 TOTAL LOT AREA REQUIRED: 104,000 SF
 TOTAL LOT AREA PROVIDED: 104,545 SF
 (2.4 ACRES)

Parking Requirements:

2 SPACES PER UNIT (2/3 COVERED)
 Bldg. "A" (16 UNITS) = 32 SPACES
 Bldg. "B" (12 UNITS) = 24 SPACES
 Bldg. "C" (8 UNITS) = 16 SPACES
 TOTAL REQUIRED: 12 SPACES
 TOTAL PROVIDED: 81 SPACES

KEYNOTES

- 1 LANDSCAPING SHOWN IS CONCEPTUAL. ALL LANDSCAPING AND IRRIGATION SYSTEMS TO BE DEVELOPED IN ACCORDANCE WITH CITY LANDSCAPING GUIDELINES
- 2 SOLID 8" HIGH CONCRETE MASONRY SCREEN WALL AT PROPERTY LINE
- 3 NEW CURB CUT (AN ADDRESS DIRECTORY IS TO BE PROVIDED AT EACH DRIVEWAY)
- 4 CONCRETE MASONRY REFUSE ENCLOSURE PER CITY REFUSE STANDARDS
- 5 REQUIRED 2/3 COVERED PARKING (SHOWN DASHED)
- 6 ACCESSIBLE RAMP PER CITY STANDARDS
- 7 CITY SIDEWALK
- 8 PATTERED CONCRETE CIRCULATION PATH / ACCESS LINK TO ADJACENT PROPERTIES
- 9 LANDSCAPED BURN / SCREEN SEE ELEVATIONS FOR ADDITIONAL INFORMATION
- 10 EXISTING BRICK MASONRY SCREEN WALL
- 11 PORTION OF EXISTING MASONRY WALL TO BE REMOVED TO PROVIDE RECIPROCAL PEDESTRIAN ACCESS TO ADJACENT PROPERTY'S AVENUES
- 12 ASPHALT CONCRETE DRIVEWAY, TYP



CONCEPTUAL SITE / LANDSCAPE PLAN

SCALE 1" = 15'-0"

RESOLUTION NO. P.C. 97-09

**A RESOLUTION OF THE PLANNING COMMISSION APPROVING THE REQUEST
OF JAMES B SCHROEDER, ON BEHALF OF WILLDON LAND COMPANY, FOR A
USE PERMIT TO ALLOW THE CONSTRUCTION OF A 36-UNIT APARTMENT
COMPLEX WITHIN PLANNED DEVELOPMENT #24, TO BE LOCATED AT
2150 WEST KETTLEMAN LANE**

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070.

WHEREAS, the project proponent is Willdon Land Company, 2754 Country Club Court, Stockton, CA 95204

WHEREAS, all legal prerequisites to the approval of this request have occurred.

WHEREAS, the property is zoned PD 24 with an Office/Institutional designation.

WHEREAS, the property is located at 2150 West Kettleman Lane.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows.

- 1) A Negative Declaration in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder.
- 2) It is found that the proposed Use Permit is consistent with all applicable general and specific plans
- 3) It is found that approval of the Use Permit will result in good planning practice.
- 4) It is hereby found that the site is physically suitable for the proposed type of development.
- 5) Use Permit Application No. U-97-03 is hereby approved, subject to the following conditions:
 1. The project shall be subject to review and approval by the Site Plan and Architectural Review Committee (SPARC).
 2. A tot-lot or other similar children's play facility shall be installed in the area labeled "recreation area" on the plans. Revisions to plans shall be made prior to Site Plan and Architectural Review hearings.
 3. Plans shall be revised prior to SPARC review showing the placement of wrought iron fencing around the perimeter of the proposed apartment complex. Such revisions should show height, setback, pedestrian and automobile ingress and egress points, gates, etc.
 4. More detailed landscaping plans showing precise numbers and types of trees and shrubs shall be completed prior to SPARC review.

5. All mitigation measures as specified in the Negative Declaration shall be completed to the satisfaction of the Community Development Director.
6. As per Lodi Public Works, the applicant shall pay Development Impact Mitigation Fees representing the incremental difference between the fees for an office use and those for medium density residential prior to the issuance of a building permit.

I hereby certify that Resolution No. 97-11 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 23, 1997, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Secretary, Planning Commission

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

August 25, 1997

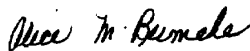
Re: **Public Hearing Regarding The Appeal Of Use Permit To Allow The Construction Of
A 36-Unit Apartment Complex, At A Density Of 15 Units Per Acre, To Be Located
Within Planned Development #24 At 2150 West Kettleman Lane**

Please let this letter serve as notification of Council action on the above referenced Public Hearing which was heard before the Lodi City Council on August 6, 1997.

The City Council granted the subject appeal and adopted Resolution No. 97-116 entitled, "A Resolution of the Lodi City Council Denying the Issuance of Use Permit No. U-97-03 Requested by James B. Schroeder on Behalf of Wildon Land Company" of which a certified copy is attached.

Should you have any questions, please feel free to contact the City Clerk's office or the Community Development Department at (209) 333-6711.

Sincerely,


Alice M. Reimche
City Clerk

AMR/JMP

Attachment

RESOLUTION NO. 97-116

A RESOLUTION OF THE LODI CITY COUNCIL DENYING THE
ISSUANCE OF USE PERMIT NO. U-97-03 REQUESTED BY JAMES B.
SCHROEDER ON BEHALF OF WILLDON LAND COMPANY

BE IT RESOLVED, that the Lodi City Council hereby denies the issuance of Use Permit No. U-97-03, requested by James B. Schroeder on behalf of Willdon Land Company to construct a 36-Unit Apartment Complex at 2150 West Kettleman Lane.

Dated: August 6, 1997

I hereby certify that Resolution No. 97-116 was passed and adopted by the Lodi City Council in a regular meeting held August 6, 1997 by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Sieglock, Warner
and Pennino (Mayor)

NOES: COUNCIL MEMBERS - None


ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

The Foregoing Document is Certified
To Be A Correct Copy Of The Original
On File In This Office.

Jennifer M. Perrin
Deputy City Clerk, City of Lodi

By Jennifer M. Perrin
Dated: 8/25/97


Alice M. Reimche
ALICE M. REIMCHE
City Clerk

36-Unit Complex U-97-03

	FirstName	LastName	Address1	City	State	PostalCode
1.	ROY & CAROL	DENTON	2207 CHAPARRAL CT	LODI	CA	95242
2.	ERNEST & JANICE	WATTERS	2211 CHAPARRAL CT	LODI	CA	95242
3.	WINFIELD & HELEN	ARCHIBALD	2214 CHAPARRAL CT	LODI	CA	95242
4.	RICHARD & KAREY	HARTY	2219 CHAPARRAL CT	LODI	CA	95242
5.	RICHARD & THERESA	CONNET	2208 CHAPARRAL CT	LODI	CA	95242
6.	PAUL & MANROOP	SHERGILL	2220 CHAPARRAL CT	LODI	CA	95242
7.	NANCY	BRAZEAL	2225 CHAPARRAL CT	LODI	CA	95242
8.	BASHARAT	AMIN	2226 CHAPARRAL CT	LODI	CA	95242
9.	WILLDON LAND	COMPANY	2754 COUNTRY CLUB CT	STOC KTON	CA	95204
10.	SYLVAN FOUNTAINS	LTD PTP	4502 GEORGETOWN #202	STOC KTON	CA	95207
11.	CLARA	COLGAN, TR.	2202 CHAPPARAL CT	LODI	CA	95242
12.	CLAUD	KITCHEL	1237 ESTUDILLO AVE	SAN LEAN DRO	CA	94577
13.	MICHAEL	CRETE, ETAL	1826 W. KETTLEMAN LN	LODI	CA	95240
14.	KETTLEMAN II	PTP	301 S. HAM LN SUITE A	LODI	CA	95240
15.	RONALD	DUNSCOMBE	9689 RODDEN RD	OAKD ALE	CA	95361
16.	LODI FIRST	NAZARENE CHURCH	2223 W. KETTLEMAN LN	LODI	CA	95242
17.	JOHN	GIANNONI	317 W. LODI AVE	LODI	CA	95242
18.	GARLAND	WRIGHT, ETAL	P.O. BOX 40	LODI	CA	95241

RECEIVED

97 JUN -5 PM 4:51

JUN 04, 1997

JOHN A. RENNINO
CITY CLERK
CITY OF LOS ANGELES

1001 LINDY BOULDER
221 WASEL LANE SE.
LINDY, GA. 35241

Dear Mayor Rennino and City Council Members:

We are opposed to the request for Apartments on the South-East Corner of Kettleran and Sylvan Lane.

Through-out the years that we have lived here, the Wildon Land Co. has tried unsuccessfully to change the zoning on the two pieces of property East and West of Sylvan Lane facing Kettleran. Each attempt has been unsuccessful only because the people in our area have been persistent in standing up for their rights.

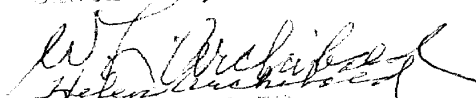
We all knew when we purchased our Custom Homes, valued between \$200,000 and \$300,000, that the property in question was zoned for Professional Buildings. In fact, Mr. Schroeder himself, informed us with this information.

Other reasons why we are opposed are:

1. On a State Highway, and the Entrance to our City, should be composed of attractive Office Buildings or Professional Structures.
2. On Weekends our local Newspaper lists a large number of Apartment Vacancies. No more Vacancies are needed.
3. As Kettleran Lane is gradually expanded to six lanes, the traffic noise will be a detriment which means more vacancies.
4. Traffic, plus ingress and egress will be a definite problem on Sylvan Lane and Kettleran Lane.
5. More Apartments in this area will increase more thefts, Burglaries etc., which will decrease our Property Valuation.

For an attractive Entrance to our City, We urge you to consider Professional Buildings in alignment with existing quiet, attractive Professional Buildings on Kettleran, instead of more unattractive apartments with clothes and towels hanging over the Balconies. While out for our morning walk, we have noticed this at the South-end of Sylvan. REBTERS DO NOT ABIDE BY RULES AND REGULATIONS. We know, we are Landlords.

SINCERELY,


HELEN ARCHIBALD
HELEN ARCHIBALD

RECEIVED

Time 7:02 PM

August 1, 1997

Lodi City Council
221 West Pine St.
Lodi, Ca.

AUG 5 1997

Alice M. Reimche
City Clerk
City of Lodi

Subject: Use permit change to allow construction of a 36 unit multifamily complex at 2150 W. Kettleman Lane.

Mayor Pennino and City Council Members,

We are "OPPOSED" to this request for a change of "USE" permit to construct apartments at this location.

On October 25, 1993 the planning commission said "NO" to apartments at this location! A 60 unit complex was not wanted then and the neighborhood does "NOT" want a 36 unit complex now or in the future!

The businesses and residences in the Kettleman corridor were built and purchased "IN GOOD FAITH" with the understanding that Lodi's "Master Plan" called for office institutional. It is vital to keep this area for offices and institutional rather than commercial or apartments, otherwise these companies will have to go outside of Lodi and Lodi's Kettleman Lane corridor, taking jobs and their money with them. If "ONE" apartment complex is allowed to be built, all the property owners, along Kettleman, could also ask for the same "use" variance to build apartments. Businesses who have already built under the City's Plan need to be protected. You must send a message to present owners, potential buyers and developers that the present zoning stands firm. To do otherwise will damage the salability of ALL property along the Kettleman corridor, because then there is no "Master Plan"!

Kettleman Lane, at Lower Sacramento, is the West entrance to our City. Thousands of cars and visitors drive through this area, Lodi's WELCOMING ZONE. This is a place to do business and utilize services, NOT see apartments. The present Fountain apartments are well maintained, that is obvious. But who will own or manage these complexes in the future? Who could guarantee the quality and excellent maintenance of these apartments, or others in the future? No one!!! A drive around Lodi will provide a sight for sore eyes, as we see many older apartments, deteriorating, needing maintenance, landscape work, junk on or hanging over balconies, and cars parked everywhere in disrepair.

Kettleman Lane is an expanding three and FOUR LANE STATE HIGHWAY, and proposed to increase to SIX LANES soon. The volume of traffic is very heavy and noisy now, and with the expansion, will increase the traffic and intensify the noise beyond a desirable level. The traffic in and out of apartments occurs 24 hours a day, while traffic at a business tends to be in a 12 to 14 hour period, usually 7 AM to 7 PM.

With apartments, this day and night traffic and people, creates more excessive noise. On the other hand the "PREVIOUSLY APPROVED OFFICE COMPLEX" would be QUIET on weekends, holidays, evenings and at night. There would be no blaring car alarms, screeching tires, clanging of metal security gates, people yelling and wandering around at night, as there IS at the present Fountains apartments. Kettleman, as a major highway, supports intense semi-truck and trailer traffic, day and night, and very intense noise. This noise creates a less than desirable atmosphere for sleeping. Less desirable apartments, create lower rents with higher rental turnover and more vacancies.

Traffic onto Sylvan, from Kettleman Lane, is very busy! Everyday, apartment tenants line up on Sylvan, blocking traffic, attempting to enter the GATED complexes. Moving vans and trailers waiting to be admitted into the complexes, park anywhere, anytime. U Haul trucks, in and out, all month long. TRAFFIC and NOISE!!! With the proposed apartment complexes, a wide GATED driveway would be constructed on Sylvan, near the Kettleman entrance onto Sylvan. Cars will be stopping, waiting to enter

through the gates, blocking all traffic onto Sylvan. This creates a major HAZARD and an open invitation for accidents.

The proposed second GATED driveway, on Kettleman, will be a serious HAZARD for anyone entering or exiting the complex due to parked vehicles obstructing vision and traffic waiting to enter through the gate. To continue to allow parking on Kettleman will only increase the hazards with CHILDREN and people, entering and exiting cars in front of speeding traffic, besides blocking vision of the driveway. NO PARKING along this area of Kettleman is the only solution. To do otherwise would invite disaster.

Parking: Two parking spaces are not enough to support each unit. Most families have two cars and lots of visitors. Where will they park? NOT on Kettleman or Sylvan! Street parking would increase vandalism, auto thefts, and burglaries, as there was before the "No Parking" was implemented on Sylvan.

Apartments are an open invitation to increased crime activity; thefts, burglary, loitering, domestic violence disputes, etc. There are people coming and going, day and night.

We, as neighbors, understand the frustration of the Wildon Land Co. at not finding buyers or tenants for the development of this land. However, "THEY DO NOT LIVE HERE"....WE DO!!!! Our LIVES and FUTURES are invested in these custom homes. Please maintain the integrity of our neighborhood! We have to "live" with the Council's decision; so please support our decision to "live" here in Wonderful Lodi!

WE URGE YOU TO DECLINE ANY ZONING CHANGES OR USE CHANGES FOR THIS PROPERTY, at the SE corner of Kettleman Lane and Sylvan Way!!!

THANK YOU!!!

Name: Janice B. Watter Address: 2211 Chaparral Dr.
Ernest D. Watter 2211 Chaparral Dr.

RECEIVED
Time _____

AUG 5 1997

Alice M. Reimche
City Clerk
City of Lodi

August 1, 1997

Lodi City Council
221 West Pine St.
Lodi, Ca.

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THANK YOU!!!

Name: Karen Hartig Address: 2219 Chaparral Ct. Lodi 95242

RECEIVED
Time 4:03 PM

AUG 5 1997

Alice M. Reimche
City Clerk
City of Lodi

August 1, 1997

Lodi City Council
221 West Pine St.
Lodi, Ca.

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Kettleman Lane, at Lower Sacramento, is the West entrance to our City. Thousands of cars and visitors drive through this area, Lodi's WELCOMING ZONE. This is a place to do business and utilize services, NOT see apartments. The present Fountain apartments are well maintained, that is obvious. But who will own or manage these complexes in the future? Who could guarantee the quality and excellent maintenance of these apartments, or others in the future? No one!!! A drive around Lodi will provide a sight for sore eyes, as we see many older apartments, deteriorating, needing maintenance, landscape work, junk on or hanging over balconies, and cars parked everywhere in disrepair.

Kettleman Lane is an expanding three and FOUR LANE STATE HIGHWAY, and proposed to increase to SIX LANES soon. The volume of traffic is very heavy and noisy now, and with the expansion, will increase the traffic and intensify the noise beyond a desirable level. The traffic in and out of apartments occurs 24 hours a day, while traffic at a business tends to be in a 12 to 14 hour period, usually 7 AM to 7 PM.

With apartments, this day and night traffic and people, creates more excessive noise. On the other hand the "PREVIOUSLY APPROVED OFFICE COMPLEX" would be QUIET on weekends, holidays, evenings and at night. There would be no blaring car alarms, screeching tires, clanging of metal security gates, people yelling and wandering around at night, as there IS at the present Fountains apartments. Kettleman, as a major highway, supports intense semi-truck and trailer traffic, day and night, and very intense noise. This noise creates a less than desirable atmosphere for sleeping. Less desirable apartments, create lower rents with higher rental turnover and more vacancies.

Traffic onto Sylvan, from Kettleman Lane, is very busy! Everyday, apartment tenants line up on Sylvan, blocking traffic, attempting to enter the GATED complexes. Moving vans and trailers waiting to be admitted into the complexes, park anywhere, anytime. U Haul trucks, in and out, all month long. TRAFFIC and NOISE!!! With the proposed apartment complexes, a wide GATED driveway would be constructed on Sylvan, near the Kettleman entrance onto Sylvan. Cars will be stopping, waiting to enter

Name: _____ Address: _____

Time	Location	Notes
10:00	Chapel of St. John	10:00
10:15	Chapel of St. John	10:15
10:30	Chapel of St. John	10:30
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23:45	Chapel of St. John	23:45
24:00	Chapel of St. John	24:00

RECEIVED

August 1, 1997

97 AUG -6 AM 11:31

Lodi City Council
221 West Pine St.
Lodi, Ca.

ALICE M. PENNINO
CITY CLERK
CITY OF LODI

Subject: Use permit change to allow construction of a 36 unit multifamily complex at 2150 W. Kettleman Lane.

Mayor Pennino and City Council Members,

We are "OPPOSED" to this request for a change of "USE" permit to construct apartments at this location.

On October 25, 1993 the planning commission said "NO" to apartments at this location! A 60 unit complex was not wanted then and the neighborhood does "NOT" want a 36 unit complex now or in the future!

The businesses and residences in the Kettleman corridor were built and purchased "IN GOOD FAITH" with the understanding that Lodi's "Master Plan" called for office institutional. It is vital to keep this area for offices and institutional rather than commercial or apartments, otherwise these companies will have to go outside of Lodi and Lodi's Kettleman Lane corridor, taking jobs and their money with them. If "ONE" apartment complex is allowed to be built, all the property owners, along Kettleman, could also ask for the same "use" variance to build apartments. Businesses who have already built under the City's Plan need to be protected. You must send a message to present owners, potential buyers and developers that the present zoning stands firm. To do otherwise will damage the salability of ALL property along the Kettleman corridor, because then there is no "Master Plan"!

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through the gates, blocking all traffic onto Sylvan. This creates a major HAZARD and an open invitation for accidents.

The proposed second GATED driveway, on Kettleman, will be a serious HAZARD for anyone entering or exiting the complex due to parked vehicles obstructing vision and traffic waiting to enter through the gate. To continue to allow parking on Kettleman will only increase the hazards with CHILDREN and people, entering and exiting cars in front of speeding traffic, besides blocking vision of the driveway. NO PARKING along this area of Kettleman is the only solution. To do otherwise would invite disaster.

Parking: Two parking spaces are not enough to support each unit. Most families have two cars and lots of visitors. Where will they park? NOT on Kettleman or Sylvan! Street parking would increase vandalism, auto thefts, and burglaries; as there was before the "No Parking" was implemented on Sylvan.

Apartments are an open invitation to increased crime activity; thefts, burglary, loitering, domestic violence disputes, etc. There are people coming and going, day and night.

We, as neighbors, understand the frustration of the Wildon Land Co. at not finding buyers or tenants for the development of this land. However, "THEY DO NOT LIVE HERE"... WE DO!!!! Our LIVES and FUTURES are invested in these custom homes. Please maintain the integrity of our neighborhood! We have to "live" with the Council's decision, so please support our decision to "live" here in Wonderful Lodi!

WE URGE YOU TO DECLINE ANY ZONING CHANGES OR USE CHANGES FOR THIS PROPERTY, at the SE corner of Kettleman Lane and Sylvan Way!!!

THANK YOU!!!

Name:	Address:
<i>[Signature]</i>	2227 Kettleman Ct. Lodi
<i>[Signature]</i>	2227 LUPINE CT, LODI
<i>[Signature]</i>	2227 LUPINE CT, LODI
<i>[Signature]</i>	2222 LUPINE CT Lodi Ca
<i>[Signature]</i>	2222 LUPINE CT. LODI
<i>[Signature]</i>	2221 LUPINE CT, LODI CA
<i>[Signature]</i>	2221 LUPINE CT. LODI CA
<i>[Signature]</i>	2228 LUPINE CT. LODI CA
<i>[Signature]</i>	2209 LUPINE CT Lodi, CA
<i>[Signature]</i>	2209 LUPINE CT LODI CA
<i>[Signature]</i>	2216 LUPINE CT, LODI CA

"OUR NEIGHBORS IN Lodi, CA"

Wright
**Insurance
Agency**

2100 West Kettleman Lane
Lodi, California 95242
Telephone (209) 334-0870
FAX (209) 334-1939
P.O. Box 40, Lodi, 95241

RECEIVED

97 AUG -4 AM 11: 11

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

August 1, 1997

Lodi City Council
Alice M. Reimche
City Clerk
221 West Pine Street
Lodi, CA 95240

Re: August 6, 1997 Public Hearing
Appealing the Use Permit for a
36-unit apartment complex at
2150 West Kettleman Lane

Dear Ms. Reimche:

We intend to attend the Council session and present oral statements to appeal the above project.

We will present the issues attached to this letter.

Sincerely yours,


Richard O. Wright

ROW/las

Working for people & business.

CITY COUNCIL SESSION AUGUST 6, 1997
APPEAL OF USE PERMIT - 36 UNIT APARTMENT COMPLEX
2150 W. KETTLEMAN LANE

RECEIVED

AUG 14 1997
JULIE H. REMICHE
CITY CLERK
CITY OF LODI

THE PROPONENTS ARGUED BEFORE THE LODI PLANNING COMMISSION THAT THE DEVELOPER HAS BEEN UNABLE TO FIND AN INTERESTED BUYER OR TENANT FOR OFFICE OR PROFESSIONAL USE. FRANKLY, WE DO NOT FEEL THAT IS A VALID REASON TO AMEND THE INTENDED USE OF THE PROPERTY.

SHORTLY AFTER WE BUILT OUR OFFICE IN 1987 WE NOTICED A DRAMATIC SLOW DOWN IN CONSTRUCTION. REAL ESTATE SALES SLUMPED. ONLY RECENTLY HAVE WE SEEN ANY SIGNIFICANT RECOVERY.

WE DO NOT BELIEVE IT IS THE RESPONSIBILITY OF THE CITY OF LODI TO HELP THE DEVELOPER MARKET HIS PROPERTY. THERE IS NO COMPELLING REASON TO AMEND THE USE OF THIS PROPERTY.

WE SUBMIT THAT IF AN APARTMENT BUILDING IS CONSTRUCTED AT THAT LOCATION, BE IT 10 UNITS PER ACRE OR 15 UNITS PER ACRE, IT WILL MAKE IT EVEN MORE DIFFICULT TO ATTRACT OFFICE/PROFESSIONAL OCCUPANCIES IMMEDIATELY ADJACENT TO THAT LOCATION. IT CERTAINLY SHOULD, HOWEVER, OPEN THE DOOR FOR EVEN MORE APARTMENT

PROJECTS BEING APPROVED AS A PRECEDENT WILL THEN BE ESTABLISHED.

THIS PROJECT IS TOTALLY INCONSISTENT WITH THE EXISTING PLAN AND EXISTING BUSINESS. WE DO NOT BELIEVE AN APARTMENT BUILDING OF ANY SIZE SHOULD BE BUILT AT THAT LOCATION. THERE IS NOT A SINGLE APARTMENT ON THE SOUTH SIDE OF KETTLEMAN LANE. THE ONLY APARTMENTS ON KETTLEMAN LANE ARE ON THE NORTH SIDE (ACROSS FROM LONG'S) BETWEEN FAIRMONT AND CRESCENT AVENUES. THOSE UNITS MAY HAVE BEEN OF REASONABLE QUALITY WHEN ORIGINALLY CONSTRUCTED. WE DO NOT FEEL THEY ENHANCE THE BEAUTY OF THE CITY OF LODI AT THE CURRENT TIME - PARTICULARLY ON ONE OF THE MAIN THOROUGHFARES THROUGH THE CITY.

THE PROPONENTS ADVISED THE PLANNING COMMISSION THAT TRAFFIC PROBLEMS WOULD NOT BE AN ISSUE AS CAL-TRANS WOULD BE ERECTING A CONCRETE DIVIDER WHICH WOULD ONLY PERMIT RIGHT TURNS ONTO KETTLEMAN LANE FROM THE SOUTH SIDE OF KETTLEMAN. HOWEVER, THERE IS NO TIME FRAME FOR THAT PROJECT AND THE CITY DEVELOPMENT DIRECTOR HAS CONFIRMED IT COULD BE 10 YEARS AWAY.

THE PROPONENTS ARGUE THAT THERE IS NO DATA INDICATING THE VALUES OF EXISTING OFFICES WILL DECLINE. THE PROPONENTS HAVE EVERYTHING TO GAIN AND NOTHING TO LOSE BY SUCH A STATEMENT. EXISTING PROPERTY OWNERS AND BUSINESSES, ON THE OTHER HAND, HAVE ABSOLUTELY NOTHING TO GAIN AND WE FEEL A GREAT DEAL TO LOSE.

APPROVAL OF ANY APARTMENT FRONTING KETTLEMAN LANE WILL DESTROY THE INTEGRITY OF THE AREA AND REMOVE THE "BUFFER" ZONE OF OFFICES THAT CURRENTLY EXISTS BETWEEN THE HIGHWAY AND APARTMENTS TO THE SOUTH.

WE URGE YOU TO OVERTURN THE PLANNING COMMISSION'S DECISION TO ALLOW A USE PERMIT OF 15 UNITS PER ACRE AND FURTHER TO LIMIT THE USE OF THAT LOCATION TO ONLY OFFICE AND PROFESSIONAL USE.

THANK YOU FOR YOUR ATTENTION AND CONSIDERATION.

RESOLUTION NO. 97-116

A RESOLUTION OF THE LODI CITY COUNCIL DENYING THE
ISSUANCE OF USE PERMIT NO. U-97-03 REQUESTED BY JAMES B.
SCHROEDER ON BEHALF OF WILLDON LAND COMPANY

BE IT RESOLVED, that the Lodi City Council hereby denies the issuance of Use Permit No. U-97-03, requested by James B. Schroeder on behalf of Willdon Land Company to construct a 36-Unit Apartment Complex at 2150 West Kettleman Lane.

Dated: August 6, 1997

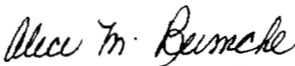
I hereby certify that Resolution No. 97-116 was passed and adopted by the Lodi City Council in a regular meeting held August 6, 1997 by the following vote:

AYES: COUNCIL MEMBERS - Land, Mann, Sieglock, Warner
and Pennino (Mayor)

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None


ALICE M. REIMCHE
City Clerk